

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

PAUL and SHELLEY COATES,

Plaintiffs,

v.

**ASSET RECOVERY GROUP, INC. and
HASSEN LAW, LLC,**

Defendants.

Case No. 3:20-cv-00330-SB

ORDER

IMMERGUT, District Judge.

On December 22, 2020, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) in this case, ECF 13, recommending that this Court deny Defendants’ Motion to Dismiss, ECF 7, with respect to Plaintiffs’ Fair Debt Collection Practices Act (“FDCPA”) overshadowing claim, and grant Defendants’ motion with respect to Plaintiffs’ FDCPA “current creditor” misrepresentation claim with leave to file a second amended complaint within thirty days. No party filed objections.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Beckerman's conclusions. The F&R, ECF 13, is adopted in full. Defendants' Motion to Dismiss, ECF 7, is DENIED with respect to Plaintiffs' FDCPA overshadowing claim, and GRANTED with respect to Plaintiffs' FDCPA "current creditor" misrepresentation claim, with leave to amend. Plaintiffs have thirty days from the entry of this Order to file a second amended complaint.

IT IS SO ORDERED.

DATED this 15th day of January, 2021.

/s/ Karin J. Immergut
 Karin J. Immergut
 United States District Judge